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EXAMINER

PYO, MONICA M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,351	Applicant(s) MESSINA ET AL.	
	Examiner MONICA M. PYO	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 30-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 2/25/2008.
2. Currently, claims 1-15 and 18-31 are pending in this application. Claims 1, 4-5, 14-15 and 30 are independent claims. In the Amendment filed 2/25/2008, claims 4 and 12 are amended, claims 16-17 are canceled and claims 30-31 are newly added. This action is made Final.

Election/Restrictions

3. Applicant's election without traverse of Group I, claims 1-15 in the reply filed on 2/25/2008 is acknowledged.

Specification

4. The claim amendment received on 2/25/2008. The changes are acknowledged and accepted. Therefore, the specification objections made in a prior Office Action are withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-12, 14-15 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0848338 issued to Bunney et al. (hereinafter Bunney).

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Regarding Claims 1 and 4, Bunney discloses a computerized system for automatically posting and retrieving information to and from databases on a computer network, the system comprising:

A). means for posting one or more first documents stored at a first database to one or more second databases in the computer network, the user links to all the articles that have been posted and allows the navigation between pages (Bunney: pg. 3, lns. 15-21; pg. 7, lns. 53-pg. 8, lns. 3);

B). means for automatically collecting at the first database one or more second documents posted at one or more of the second databases in reply to one or more of the posted first documents, as contents are being added via user's *My Forum* option (Bunney: pg. 6, lns. 1-7 and 26-43- topical searches <i.e., newspapers, weirdos, magazines, etc..>); and

C). means for providing access at the first database to one or more of the automatically collected second documents, including means for excluding one or more of the second documents, based on user- or administrator-defined criteria, articles are generated and posted to the forums using the automatic content posting system (Bunney: pg. 8, lns. 8-16 and 35-38).

Regarding Claims 5, 12, 14 and 15, Bunney discloses a computerized system for automatically posting and retrieving information and from sites on a computer network, the system comprising:

A). means, responsive to user-defined keywords or parameters (i.e., frequency set by user), for automatically searching and retrieving documents from one or more first sites on

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the computer network on a periodic, scheduled, or event-driven basis, as the automatic update tracking system (Bunney: pg. 5, lns. 56-58; pg. 6, lns. 26-38; fig. 4A) including:

B). means for using results of past searches to improve search results, as an edition of material through the archive page (Bunney: pg. 8, lns. 20-44);

C). means for posting one or more of the retrieved documents to a second site, as the automatic content posting system automatically adds the article to the news page of the relevant forum (Bunney: pg. 8, lns. 26-36);

D). means for allowing users of the second site to post documents to one or more of the first sites, as a host computer sends a message or address to other host (Bunney: pg. 2, lns. 22-25 and 42-52); and

E). means, responsive to users of the second site posting documents to one or more of the first sites, for automatically retrieving and collecting reply documents that are associated with the posted documents on the one or more first sites, including means for excluding one or more of the reply documents based on user- or administrator-defined criteria, a number of articles on the relevant topic together to pages containing the complete text of the articles (Bunney: pg. 8, lns. 8-16 and 35-38).

Regarding claims 12, the limitation therein is disclosed in pg. 4, lns. 20-27 of Bunney.

Regarding Claim 6, Bunney discloses the system wherein the means for posting one or more of the retrieved documents, includes:

means, responsive to an adjustable threshold, for including or excluding documents from the second site (Bunney: pg. 8, lns. 42-43).

Regarding Claim 7, Bunney discloses the system wherein the means for allowing users of the second site to post documents to one or more of the first sites, includes:

means for associating one or more of the posted documents with one or more of the retrieved documents (Bunney: pg. 6, lns. 12-21).

Regarding Claim 8, Bunney discloses the system further including means for allowing a user of the second site to define or select the keywords and parameters and/or the first sites (Bunney: pg. 7, lns. 46-50; pg. 8, lns. 32-34).

Regarding Claim 9, Bunney discloses the system wherein one or more of the posted documents is sponsored by a commercial entity (Bunney: pg. 3, lns. 4-8).

Regarding Claim 10, Bunney discloses the system wherein one or more of the posted documents concerns an offer to sell merchandise or other private property (Bunney: pg. 3, lns. 9-11).

Regarding Claim 11, Bunney discloses the system wherein one or more of the retrieved or posted documents comprises a hyperlink (Bunney: pg. 2, lns. 28-32).

Regarding claim 30, Bunney discloses a method comprising:

- A). automatically incorporating data from two or more separate network accessible databases into a third network accessible database, based on user- or administrator-defined topical search criteria,** the user links to all the articles that have been posted and allows the navigation between pages (BunneyL pg. 4, lns. 20-31; pg. 3, lns. 15-21; pg. 7, lns. 53-pg. 8, lns. 3); and
- B). updating the user-or administrative-defined topical search criteria (i.e., newspapers, weirdos, magazines, etc..) based on user interaction with the data incorporated into the first database,** as contents are being added via user's *My Forum* option (Bunney: pg. 6, lns. 1-7 and 26-31; pg. 7, lns. 46-59).

Regarding claim 31, Bunney discloses the method wherein incorporating data from the two or more separate network accessible database includes retrieving data that satisfies the topical search criteria and rejecting a portion of the retrieved data based on exclusion criteria (Bunney: pg. 8, lns. 20-28).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8 Claims 2, 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney as applied to claims 1, 4-12, 14-15 and 30-31 above, and further in view of U.S. Patent No. 6,292,796 issued to Drucker et al. (hereinafter Drucker).

Regarding Claims 2 and 13, Bunney discloses the system wherein the first and second documents

Bunny does not explicitly disclose documents concern medical or health information.

However, Drucker discloses medical literature, which corresponds to documents concern medical or health information (Drucker: col. 1, lns. 25-28 and 34-40).

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Bunney with the teachings of Drucker to utilize the searching current and past literatures in a computer network environment with the motivation to enhance the searching system and obtain new medical articles written by other scientists (Drucker: col. 1, lns. 8-22).

Regarding Claim 3, while Bunny discloses the system wherein the first and second displaying a newspaper (col. 6, lns. 51-54; col. 7, lns. 9-20) which possibly can contain articles and information about many different searching topics, Bunny does not explicitly disclose documents concern knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law, restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools,

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science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex.

However, Drucker explicitly discloses: specific diseases (Drucker: col. 10, lns. 56-64).

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Bunney with the teachings of Drucker to utilize the searching current and past literatures in a computer network environment with the motivation to enhance the searching system and obtain new medical articles written by other scientists (Drucker: col. 1, lns. 8-22).

Yet, Drucker does not disclose remaining searching topics of knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law, restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools, science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex.

Although Bunny and Drucker do not explicitly identify all of claimed searching topics, the Examiner takes an official notice that the claimed search topics are well known in the Internet searching art. Furthermore, the specific content of searching topics, whether the searching topic is just one or a plurality of topics, does not provide any patentable weight to claim.

Response to Arguments

9. Applicant's arguments filed 2/25/2008 have been fully considered but they are not persuasive.

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Applicant argues that Bunney does not disclose the recitation of “means for automatically collecting at the first database one or more second documents posted at one or more of the second databases in reply to one or more of the posted first documents.” However, the Examiner disagrees. As explained in the rejection, Bunney discloses in page 6, lines 1-7 that the contents are being added via user’s My Forum option. Bunney further discloses in lines 26-43 that features of how the automatic update function downloads each page that has been updated and stored it in the ola server so that it can be displayed to the user. Additionally, those dynamically created pages have a last updated field that reflects their creation in response to a request. Therefore, it is perfectly valid to interpret that teaching of Bunney is enough to read on the broadly claim limitation.

In regarding applicant’s argument of the claim 4, it should be noted that Bunney discloses the feature of a user defined topical search criteria <i.e., newspapers, magazines, etc.> in page 6, lines. 1-7 and 26-43.

Applicant argues that Bunney does not disclose the feature of “means for using results of past searches to improve search results.” However, the Examiner disagrees. As stated above, Bunney discloses the feature in page 8, lines 20-44 that “if the number of articles on the news page falls below a predetermined number, the automatic content posting system retrieves articles previously bumped or alerts the forum administrator.” Therefore, one in the ordinary skill in the art would clearly recognize that these teachings of Bunney are equivalent to the claimed feature of using results of past searches to improve search result. It should be noted that **a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments.** See MPEP 2123 [R-5] (1).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon & Thur 7:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Etienne P LeRoux/
Primary Examiner, Art Unit 2161

Monica M Pyo
Examiner
Art Unit 2161

mpyo
6/6/2008